

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)

Emkay Holding Management, Inc.)

File No. ITC-214-2001-

Application for Global Authority Pursuant to)
Section 214 of the Communications Act)
of 1934, as amended, to Operate as an)
International Facilities-Based and Resale Carrier)
Between the United States and Various)
International Points)

APPLICATION

Emkay Holding Management, Inc. (“Emkay” or “Applicant”), by its undersigned counsel, hereby requests global facilities-based authority and global resale authority, under Section 214 of the Communications Act of 1934, as amended (the “Act”), 47 U.S.C. § 214, and Section 63.18 of the Commission's Rules, 47 C.F.R. § 63.18, to provide international telecommunications services between the United States and international points. For the reasons set forth below, Applicant respectfully requests that this Application be granted expeditiously through the Commission's streamlined processing procedures.

I. The Applicant

Emkay is a corporation organized under the laws of the State of New York. Applicant plans to provide a variety of resold and facilities-based competitive international services as described more fully below. Applicant is not affiliated within the meaning of Section 63.09(e) of the Commission's rules, with a foreign carrier, as defined in Section 63.09(e) of the Commission's rules. Further, Applicant is not affiliated with any dominant U.S. carriers whose

international services Applicant will resell. Applicant should therefore be classified as a nondominant carrier for the provision of the services for which authority is requested in this Application. Furthermore, Applicant is eligible for streamlined processing pursuant to Section 63.12 of the Commission's Rules because Sections 63.12(c)(1)-(3) do not apply to the Applicant.

II. Public Interest Considerations

Emkay believes that the competition its entry will bring to the market will benefit the consumers of United States-overseas services. Emkay intends to offer a variety of telecommunications services to customers at competitive rates. If this Application is granted, Applicant's presence in the market will provide customers increased availability of a variety of services, and will promote competition among existing providers for provision of those services, to the ultimate benefit of the consumers. Applicant will be able to draw on the extensive management and telecommunications experience of its management team for its day-to-day operations. In addition, Applicant will be well-funded to implement its business plan and provide the services for which authority is requested in this Application. Therefore, a grant of this Application will further the public interest.

III. Information Required by Section 63.18

Applicant submits the following information, as required by Section 63.18 of the Commission's Rules, in support of its request for Section 214 authorization:

- (a) Name, address and telephone number of Applicant:

Emkay Holding Management, Inc.
150 E. 58th Street
New York, NY 10155
(212)-688-2332

- (b) Applicant is incorporated under the laws of the State of New York.

- (c) Correspondence concerning this Application should be sent to Applicant's attorneys of record:

Catherine Wang
Douglas D. Orvis II
SWIDLER BERLIN SHEREFF FRIEDMAN, LLP
3000 K Street, NW, Suite 300
Washington, DC 20007-5116
(202) 424-7500 (Tel)
(202) 424-7645 (Fax)

- (d) Emkay has not previously received authority under Section 214 of Act.
- (e)
 - (1) Emkay requests global Section 214 authority to operate as a facilities-based carrier pursuant to Section 63.18(e)(1) of the Commission's Rules. Applicant requests such authority for all international routes over all facilities authorized by the Commission. Applicant does not seek authority to provide switched basic services over private lines to a country for which the Commission has not previously authorized the provision of such services or authority to provide services to countries or using facilities listed on the Commission's exclusion list. Applicant certifies that it will comply with the terms and conditions of Sections 63.21 and 63.22 of the Commission's Rules.
 - (2) Applicant also requests global Section 214 authority to resell the international services of authorized U.S. common carriers pursuant to Section 63.18(e)(2) of the Commission's Rules. Applicant requests such authorization for all international routes authorized by the Commission. Applicant certifies that it will comply with the terms and conditions contained in Section 63.21 and 63.23 of the Commission's Rules.
- (f) Applicant seeks the authority to provide only the services referenced under paragraph (e)(1) and (2) of Section 63.18 of the Commission's Rules.
- (g) Given that Applicant is not seeking to acquire facilities or provide services pursuant to Section 63.18(e)(4) of the Commission's Rules, this Section is not applicable.

- (h) Information regarding 10% or greater direct or indirect shareholders is as follows:

Direct Shareholders of Applicant:

Name: Mel Cooper
Address: 150 E. 58th Street
New York, NY 10155
Percentage Held: 45%
Citizenship: United States of America
Principal Business: Telecommunications

Name: David S. Bersson
Address: 150 E. 58th Street
New York, NY 10155
Percentage Held: 40%
Citizenship: United States of America
Principal Business: Telecommunications

Name: David Cooper
Address: 225 East 40th St., # 76, New York, NY 10017
Percentage Held: 15%
Citizenship: United States of America
Principal Business: Telecommunications

Applicant does not have any interlocking directorates with foreign carriers.

- (i) Applicant certifies that it is not a foreign carrier. In addition, Applicant certifies that it is not affiliated with a foreign carrier within the meaning of Section 63.09(e).
- (j) Applicant certifies that it does not seek to provide international telecommunications services to any destination country where:
- (1) Applicant is a foreign carrier in that country; or
 - (2) Applicant controls a foreign carrier in that country; or
 - (3) Any entity that owns more than 25 percent of Applicant, or that controls Applicant, controls a foreign carrier in that country; or
 - (4) Two or more foreign carriers (or parties that control foreign carriers) own, in the aggregate more than 25 percent of Applicant and are parties to, or the beneficiaries of, a contractual relation affecting the provision or marketing of international basic telecommunications services in the United States.
- (k) Applicant has not listed any countries in response to paragraph (j). Therefore, the requirements of paragraph (k) do not apply to the Applicant.

- (l) For the reasons set forth in paragraph (i), the requirements of paragraph (l) do not apply to the Applicant.
- (m) For the reasons set forth in paragraph (i), the requirements of paragraph (m) do not apply to the Applicant.
- (n) Applicant certifies that it has not agreed to accept special concessions, as defined in Section 63.14(b) of the Commission's rules, directly or indirectly from any foreign carrier, as defined in Section 63.09(d) of the Commission's rules, with respect to any U.S. international route where the foreign carrier possesses sufficient market power on the foreign end of the route to affect competition adversely in the U.S. market, and will not enter into such agreements in the future.
- (o) Applicant certifies, pursuant to Sections 1.2001 through 1.2003 of the Commission's Rules (implementing the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 3301), that no party to its application is subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.
- (p) Applicant requests streamlined processing of this Application pursuant to Section 63.12 of the Commission's Rules. This Application qualifies for streamlined processing because Applicant has no foreign affiliations, has no affiliation with a dominant U.S. carrier whose international switched or private line services Applicant seeks authority to resell, and does not seek authority to provide switched basic services over private lines to a country for which the Commission has not previously authorized the provision of such services.

IV. CONCLUSION

For the reasons stated above, Emkay Holding Management, Inc. respectfully submits that the public interest, convenience, and necessity would be furthered by a grant of this Section 214 Application.

Respectfully submitted,

By: _____
Catherine Wang
Douglas D. Orvis II
SWIDLER BERLIN SHEREFF FRIEDMAN, LLP
3000 K Street, NW, Suite 300
Washington, DC 20007-5116
(202) 424-7500 (Tel)
(202) 424-7645 (Fax)

Counsel for Emkay Holding Management, Inc.

Dated: November ____, 2001

CERTIFICATION OF APPLICANT

On behalf of Emkay Holding Management, Inc., I hereby certify that the statements in the foregoing Application for Section 214 authority are true, complete, and correct to the best of my knowledge and are made in good faith.

By:	_____
Name:	David Bersson
Title:	President
Date:	November 9, 2001